

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:**

**Thierry Marnay, Rudolf Bertagnoli,**

**Frank Magee, Stephan Eckhof,**

**David L. Nichols, Christophe Geisert**

**Confirmation No.: 3880**

**Application No.: 10/622,535**

**Group Art Unit: 3733**

**Filing Date: July 21, 2003**

**Examiner: Pedro Philogene**

**For: Instruments And Method For Inserting An Intervertebral Implant**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR § 1.313(c)**

1. Applicant hereby petitions for the withdrawal of this application from issue.
2. The issue fee for this case was paid on February 16, 2010.
3. This application is scheduled to
  - ☐ issue on \_\_\_\_\_ as patent number \_\_\_\_\_.
  - ☒ Based on information received from the Publication Division no issue date has been set for this application as of the date of the date of the Request for Withdrawal.
4. The reason for the request for withdrawal from issue is:
  - ☒ consideration of a request for continued examination is being filed concurrently herewith.
  - ☐ one or more of the claims are unpatentable.
  - ☐ other.

**DOCKET NO.:**

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**PATENT**

5. The petition fee (37 CFR § 1.17 (i)) is paid as follows:

- ☐ A check in the amount of **\$130.00** is attached.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of **\$130.00**. This sheet is attached in duplicate.
- ☒ The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.

Date: March 1, 2010

/Adam J. Forman/

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